

DAVID A. WOLF, ESQ. (124460)
 SUSAN L. SCHOENIG, ESQ. (91048)
 LAURA J. FOWLER, ESQ. (186097)
 McDONOUGH HOLLAND & ALLEN PC
 Attorneys at Law
 555 Capitol Mall, 9th Floor
 Sacramento, CA 95814
 Phone: 916.444.3900
 Fax: 916.444.3249

Attorneys for Prison Health Services, Inc.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

MERYL BORDERS-HUMPHREY,

 Plaintiff,

 v.
 PRISON HEALTH SERVICES, INC., and
 DOES 1 through 10,

 Defendants.

Case No. C 07-02516 JSW

**THIRD JOINT CASE MANAGEMENT
 STATEMENT**

DATE: February 8, 2008
 TIME: 1:30 p.m.
 PLACE: Courtroom 2, 17th Floor

1. Case Management Conference

At the initial Case Management Conference held on October 19, 2007, the Court set a second case management conference for January 4, 2008, in order to provide the parties time to complete mediation with the court-appointed ENE evaluator. The parties participated in a mediation session with Anna-Mary Gannon on October 19, 2007, but the case did not settle. At the parties' joint request, the Court continued the January 4 case management conference to February 8, 2008, in order to allow the parties to complete the arbitration of Plaintiff's related union grievance.

2. Status of Union Arbitration

Plaintiff's employment with defendant Prison Health Services, Inc. (PHS) was governed by a collective bargaining agreement. Plaintiff filed a union grievance challenging the termination of her employment. That grievance has now proceeded to arbitration. The arbitration commenced on

December 4, 2008, and a second session was held on January 17, 2008. Because the arbitration was not completed on January 17, a third (and anticipated final) arbitration session is scheduled for Wednesday, February 6, 2008. Because the resolution of the arbitration could impact the scope and timing of the present proceeding, the parties are not presently in a position to schedule this case for completion of discovery or trial. The parties respectfully request that the February 8 case management conference be continued for approximately 90-120 days (until mid- to late-May 2008) in order to allow an opportunity to complete the arbitration and receive a ruling from the arbitrator.

3. Discovery

Discovery in this matter has been stayed. The parties have commenced (but not completed) Plaintiff's deposition. The parties have also exchanged initial disclosures and requests for production.

4. Scheduling

Defendant PHS reiterates that it is premature to schedule this case for further proceedings until the parties receive a ruling from the arbitrator on Plaintiff's union grievance. Given the historical practice with these types of arbitrators, the parties will not likely receive a ruling until sometime in May 2008 (based on the post-arbitration briefing schedule and allowing 30 days for the arbitrator to render a written ruling). Should the Court choose to proceed with the February 8 Case Management Conference and want to schedule the case for further dates, the parties propose the following dates/deadlines:

Designation of experts:	September 2008
Discovery cutoff:	October 2008
Hearing of dispositive motions:	December 2008
Pretrial conference:	March 2009
Trial:	May 2009

5. Trial

The parties estimate that the trial will take 5-7 court days.

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1 **6. Other Matters**

2 Plaintiff's attorney would like to amend the complaint to add American Service Group, Inc.
3 as a defendant. He intends to do this by way of motion or by stipulation of the parties.

4 DATED: February 1, 2008

McDONOUGH HOLLAND & ALLEN PC
Attorneys at Law

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7 By: /s/ Laura J. Fowler
LAURA J. FOWLER

8 Attorneys for Defendant Prison Health Services,
9 Inc.

10 DATED: February 1, 2008

LAW OFFICES OF MICHAEL C. COHEN

12 By: /s/ Michael C. Cohen
MICHAEL C. COHEN

14 Attorneys for Plaintiff Meryl Borders-Humphrey